

JAN-09-2007 TUE 11:41 AM FAEGRE & BENSON

FAX NO. 3036073600

P. 01

RECEIVED
CENTRAL FAX CENTER

JAN 09 2007

FACSIMILE TRANSMISSION

FROM: Don D. Cha, Reg. No. 40,945

TELEPHONE: 303/607-3614
EMAIL: DCha@faegre.com

DATE: January 9, 2007

NUMBER OF PAGES (including this page): 5

F&B FILE: 61297-318422 REC: 0151

TO: Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office

FAX: 571-273-8300

MESSAGE

Inventor(s): Michael D. Wand et al.

Appln. No.: 10/038,054

Filing Date: January 3, 2002

Title: HIGH POLARIZATION
FERROELECTRIC LIQUID CRYSTAL
COMPOSITIONS

Examiner: WU, Shean Chiu

Group Art Unit: 1756

Confirmation No.: 5769

Customer No.: 35657

Docket No.: 61297 - 318422

CERTIFICATE OF FACSIMILE TRANSMITTAL

I HEREBY CERTIFY THAT the below-listed documents are being transmitted to the United States Patent and Trademark Office via facsimile to (571) 273-8300 on January 9, 2007.

Renewed Petition under 37 CFR 1.137(b)
Form PTO-2038 for payment of \$750.00
copy of Decision on Petition
Constance Robnett

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL OFFICE SERVICES AT 303/607-3900 OR CONSTANCE ROBNETT AT 303/607-3773.

Inventor(s): Michael D. Wand et al.	Examiner: WU, Shean Chiu
Appln. No.: 10/038,054	Group Art Unit: 1756
Filing Date: January 3, 2002	Confirmation No.: 5769
Title: HIGH POLARIZATION FERROELECTRIC LIQUID CRYSTAL COMPOSITIONS	Customer No.: 35657
	Docket No.: 61297 - 318422

RECEIVED
CENTRAL FAX CENTER

JAN 09 2007

Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.137(b)

Applicants' Petition to Revive in the above-identified application was dismissed for failure to pay the large entity fee for a petition to revive. Applicants hereby file this Renewed Petition to Revive for unintentional abandonment of the application and submit the \$750.00 balance of the petition fee.

Applicants hereby state that the entire delay in filing the required reply, from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional and was the result of clerical error.

Please debit any underpayment or credit any overpayment to Deposit Account No.

06-0029.

Respectfully submitted,

FAEGRE & BENSON LLP
Customer Number: 35657

By:

Don D. Cha

Atty. Reg. No. 40,945

Telephone: 303-607-3603

Date:

9-JAN-07

Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

DEC 20 2006

OFFICE OF PETITIONS

RECEIVED
CENTRAL FAX CENTER

JAN 09 2007
ON PETITION

FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-3901

In re Application of
Michael Wand et al.
Application No. 10/038,054
Filed: January 3, 2002
Attorney Docket No: 61297-318422

This is a decision on the petition under 37 CFR 1.137(b)¹, filed November 28, 2006, to revive the above identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)". This is not a final agency decision.

This application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed April 27, 2006. The large entity issue fee was paid July 28, 2006 however after the due date and thus the application was properly abandoned and accordingly, a Notice of Abandonment was mailed November 16, 2006.

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional and

Application No. 10/038,054

Page 2

The instant petition is accompanied by a fee in the amount of \$750.00 representing the small entity fee for a petition to revive. However, a review of the file reveals that this application is a large entity and therefore the fee paid should have been in the amount of \$1500.00.

Pursuant to 37 CFR 1.137(b) however, the instant petition lacks item (2) of the regulation. Effective October 1, 2004 the petition fee was set at \$1500 for a large entity and \$750 for a small entity. In view thereof, the balance of the petition fee (\$750.00) is due before a petition on the merits can be addressed and granted. The application will therefore remain in an abandoned status until such time as the petition fee has been paid.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions